

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WILLIAM C. PEREZ and</b>	:	
<b>FONDA PEREZ,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>GEORGE BARDO, et al.,</b>	:	<b>No. 11-376</b>
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 17<sup>th</sup> day of March, 2011, upon consideration of Defendants' Motion to Dismiss, Plaintiffs' Response thereto, and for the reasons stated in this Court's Memorandum dated March 17, 2011, it is hereby **ORDERED** that:

1. Defendants' Motion to Dismiss (Document No. 8) is **GRANTED in part and DENIED in part**, as follows:
  - a. Defendants' Motion is **GRANTED** as to Plaintiffs' allegations of recklessness against Defendants Durgin, O'Connors Express, Inc., and Southern Tier Custom Fabricators. These claims are **DISMISSED without prejudice**.
  - b. Defendants' Motion is otherwise **DENIED**.
2. Plaintiffs shall file an Amended Complaint by April 4, 2011.

BY THE COURT:



**Berle M. Schiller, J.**